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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,853	01/16/2004	Frank Harwath	3021	1852
31424	7590	05/19/2005	EXAMINER	
BABCOCK IP LLC 24154 LAKESIDE DRIVE LAKE ZURICH, IL 60047			VU, HIEN D	
			ART UNIT	PAPER NUMBER
			2833	

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/707,853

Applicant(s)

HARWATH ET AL.

Examiner

Hien D. Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-30 is/are pending in the application.
- 4a) Of the above claim(s) 1-9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. Claims 10-15 are objected to because in claim 10, line 7, "between the connector body and the crimp ring" appear to be – between the outer conductor seat and the crimp ring --.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

3. (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 10-13, 15-16, 22 and 24-25 are rejected under 35 USC 102(b) as being anticipated by Verespej et al.

The disclosure of Verespej provides a complete response to each and every element set forth in the claim. For example, figure 2 shows a connector body 21, a cylindrical outer conductor seat 22, a deformable ring 25 and a coaxial cable with a solid outer conductor 41 (see column 3, lines 29-43).

As to claim 11, a connector body bore (not labeled) coaxial with the outer conductor seat 22 as shown in figure 2.

As to claim 12, a center contact 32.

As to claims 13 and 22, an insulator 29.

As to claim 15, the connector body and contact is type N.

As to claim 24, the method steps of the claim substantially corresponding to the connector claim 1, therefore it is rejected under the similar rationale.

As to claim 25, the axial compression between the body and the crimp ring is applied upon 360 degree.

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5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 14, 17-21, 23 and 26-30 are rejected under 35 USC 103(a) as being unpatentable over Verespej et al in view of Morino et al., Pitschi et al. (254) and Caleffi et al.

As to claim 14, and 23, Verespej does not show the insulator being formed by injection molding injected through at least one opening formed in the connector body.

Morino, figures 4B-C show an insulator 47 formed by injection molding injected through at least one opening 42 formed in a connector body 11. It would have been obvious to one of ordinary skill in the art to modify the connector of Verespej by forming the body with at least one opening for injecting molding therethrough, as taught by Morino, in order to allow easier providing molding in the housing.

As to claim 17, Verespej does not show an outer conductor 12 being annular corrugations.

Pitschi, fig.1 shows an outer conductor 12 being annular corrugations. It would have been obvious to one of ordinary skill in the art to modify the connector of Verespej by forming the outer conductor to be annular corrugations, as taught by Pitschi, in order to achieve desired shape of the outer conductor.

As to claims 18-20 to form the cylindrical section with a specific length such as at least four times depth, ten times depth of the corrugations, at least 3 millimeters would

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have been an obvious matter of choice, since such modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the label of ordinary skill in the art. In re Rose, 105 USPQ (CCPA 1955).

As to claim 21, to form the crimp ring and the solid outer conductor with materials of substantially equal thermal expansion would have been obvious to one having ordinary skill in the art, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious of choice. In re Leslin, 125 USPQ 416.

As to claims 26 and 27, Verespej does not show the compression being die surface angled towards the cable. Caleffi, figures 6-8 show a compression 130A, B being a die surface angled towards a cable (not shown). It would have been obvious to one of ordinary skill into eh art to modify the connector of Verespei by providing the compression to be a die surface angled towards a cable as taught by Caleffi, in order to provide security for the outer conductor.

As to claims 24 and 25, the method claims 24 and 25 substantially corresponding to the connector of claim 10, therefore they are rejected under the similar rationale.

As to claims 28-30, the features of the claims are substantially corresponding to the connector of claims 10, 16, 19 and 20, therefore they are rejected under the similar rationale.

7. Applicant's arguments filed 3/02/05 have been fully considered but they are not persuasive.

The applicant argues that the Verespej reference is adapted for radial rather than longitudinal compression of the deformable ring 25, therefore, rejection of claims 10-13, 15-16, 22 and 24-25 under 35 U.S.C 102 (e) is improper. The examiner disagrees. Even though the Verespej reference does not clearly show how the deformable ring 25 is compressed along the cable. However, in columns 4, lines 6-9 stated that the ring 25 is crimped uniformly along the length of the cable retention section 22 and the cable shield 41, therefore, it is considered that the ring 25 being compressed along a longitudinal axis of the coaxial cable, and therefore the rejection of claims 10-13, 15-16 and 22-25 under 35 U.S.C. 102 (e) is proper.

The applicant argues that the Examiner has impermissibly used hindsight in combining the references used in the art rejections. The Examiner respectfully disagrees. Hindsight has not been restored to the other than is justified by the combination of prior art references considered as a whole. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 200 (CCPA 1971).

The applicant argues that there is no teaching to combine Morino with Verespej. The Examiner is disagrees. The test of obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. *In re Keller*, 642 F. 2d 413, 208 USPQ 871 (CCPA 1981). In this case, the Verespej reference does not show or disclose an insulator 47 being formed by injection molding injected through at least one

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opening 42 formed in the connector body 11. Morino reference teaches an insulator 47 being formed by injection molding injected through at least one opening 42 formed in the connector body 11. Therefore it would have been obvious to one with skill in the art to modify the connector of Verespej by forming the body with an opening for injection molding therethrough in order to allow easier providing molding in the housing.

The applicant argues that changes to the mere size/scale cannot be characterized as a mere design choice. The Examiner maintains that the changes in size/scale of the cylindrical section of the outer conductor is generally recognized as being within the level of ordinary skill in the art and would have been obvious of modification.

The applicant argues that Caleffi has nothing whatsoever to do with the present invention. The Examiner agrees, however the teaching of Caleffi is suggested the obviousness. The test of obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. In re Keller, 642 F. 2d 413, 208 USPQ 871 (CCPA 1981).

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication should be directed to Hien D. Vu at telephone number (571) 272-2016.

Vu/ds

04/19/05



HIEN VU
PRIMARY EXAMINER